

July 6, 2017

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C., 20554

The Electronic Transactions Association (“ETA”) submits these comments in anticipation of the Federal Communications Commission’s (“FCC”, or “Commission”) July 2017 Open Commission Meeting. Specifically, these comments are directed to the agenda item dedicated to a Notice of Inquiry (“NOI”) that explores methods by which reassigned telephone number data could be made available to callers to avoid making unwanted calls to consumers.

ETA is the leading trade association for the payments industry, representing over 500 companies worldwide involved in electronic transaction processing products and services. ETA’s membership spans the breadth of the payments industry to include independent sales organizations, payments networks, financial institutions, transaction processors, mobile payments products and services, payments technologies, and software providers and hardware suppliers. ETA member companies touch, enrich, and improve the lives of every consumer by making the global flow of commerce possible.

The Telephone Consumer Protection Act (“TCPA”), enacted in 1991, is important to help protect consumers from unwanted and illegal telemarketing calls. Despite two federal laws governing how businesses communicate with consumers, illegal or unwanted robocalls are at their highest point, with over 2.4 billion received nationwide each month. Additionally, the TCPA has expanded in scope without an appreciation for advancements in technology or social trends. This expansion has interfered with legitimate communication between businesses and their existing customers – which was not the original goal of the TCPA.

ETA applauds and supports the Commission’s efforts to combat illegal robocalls through its Notice of Proposed Rulemaking regarding Advanced Methods to Target and Eliminate Unlawful Robocalls, but notes that, as the FCC continues to pursue the important goal of consumer protection, it is equally important for the Commission to recognize the difference between calls from a merchant attempting to sell a product or service to a potential customer and purely informational calls and other communications between businesses and their existing customers.

This distinction is important because ETA companies are not telemarketers; they are financial services companies who have (or service) a business relationship with a customer. ETA companies either have a direct relationship with an individual consumer, or communicate with existing customers on behalf of financial institutions with which they are associated. ETA member companies seek to communicate with consumers to prevent fraudulent use of their accounts by criminals. Given the vital importance of such communications, it is imperative that financial

institutions have the flexibility to contact their customers quickly using new technologies to alert them to potential fraud.

Recognizing the important efforts of this agenda item and NOI, ETA believes that the Commission should take this opportunity to strengthen the TCPA and provide clarity to consumers and businesses on various issues. ETA submits that this is critical to achieving the goal of protecting consumers from bad actors while allowing uninterrupted, desired communication from businesses with which they have existing relationships.

In addition to allowing flexibility for businesses when a customer's number has been reassigned, ETA believes there are two additional areas that, if strengthened and clarified, will help achieve this goal:

- 1) Clarify the definition of revocation of consent; and
- 2) Revise the definition of Automatic Telephone Dialing System (ATDS)

In order to facilitate consumer protection and protect legitimate business-customer communication, the TCPA should be clarified and strengthened so that businesses and their customers can feel confident that important, time-sensitive communication will be permissible and not in violation of the TCPA.

The FCC should focus resources on bad actors who intentionally break or ignore the law, and help protect law-abiding businesses who are communicating with their existing customers. Technology is dynamic and changing rapidly, and we recognize that tools are available for both telephone network providers and individual consumers to filter what calls are received.

ETA supports the efforts of the current FCC to target the source of unwanted and unsolicited telemarketing calls to consumers. ETA looks forward to working with the FCC to develop solutions to these critical issues, and further strengthen the TCPA so that consumers get the information they want and deserve from the companies with which they do business.

We appreciate you taking the time to consider these important issues. If you have any questions or wish to discuss any issues, please contact me or Scott Talbott, SVP of Government Affairs at ETA, at [Stalbott@electran.org](mailto:Stalbott@electran.org).

Respectfully submitted,



---

Rebecca A. Cantrell  
Senior Manager of Government Affairs, ETA  
1620 L Street NW, Suite 1020  
Washington, D.C. 20036  
(202) 677-7418